

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Trustees of the MICHIGAN CARPENTERS'  
COUNCIL PENSION FUND, *et al*,

Plaintiffs,

v

STUDMARK & CO., a Michigan corporation,  
and STUDMARK CONTRACTING, INC., a  
Michigan corporation, jointly and severally,

Defendants,

and

MARK JYLHA,

Garnishee Defendant.

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Case No. 1:13-cv-1018

Hon. Ellen S. Carmody

MOTION PURSUANT TO FED. R. CIV. PRO. 55(b)(1)  
FOR DEFAULT JUDGMENT AGAINST GARNISHEE  
DEFENDANT MARK JYLHA BY CLERK OF COURT

NOW COME Plaintiffs, Michigan Carpenters' Council Pension Fund, *et al*  
("Plaintiffs"), by and through their attorneys, and move this Honorable Court, by  
and through the Clerk of the Court, for a default judgment against Garnishee  
Defendant Mark Jylha pursuant to Fed. R. Civ. Pro. 55(b)(1) for the following  
reasons:

1. Plaintiffs obtained judgment against the principal defendant, Studmark & Co., on July 22, 2014 in the amount of \$95,656.49.

2. On February 4, 2016, the clerk of the court issued a Request and Writ for Garnishment [ECF No. 73, Page ID 216] directed against the garnishee defendant, Mark Jylha.

3. Upon information and belief, Mark Jylha is indebted to the principal defendant.

4. Service of the Request and Writ for Garnishment was made upon Garnishee Defendant via hand delivery on March 24, 2016 and via certified mail-return receipt requested on February 17, 2016, as evidenced by the Proofs of Service submitted to the Court for filing [Docket Nos. 138 and 139].

5. Garnishee Defendant, Mark Jylha, has failed to make any disclosure touching upon his liability to the principal defendant and the Clerk's Entry of Default of Garnishee Defendant, Mark Jylha, was entered on April 18, 2016 [ECF No. 142, Page ID 315].

6. Pursuant to Federal Rules of Civil Procedure, Rule 69(a), the procedure on execution, proceedings supplementary to and in aid of a judgment shall be in accordance with the practice and procedure of the state in which the district court is located; therefore, pursuant to the Michigan Court Rule 3.101(S)(1), the default may be taken against the Garnishee Defendant.

7. The Principal Defendant has made no payments on the judgment. Therefore, as of April 18, 2016, the Principal Defendant is indebted to the Plaintiff in the sum of \$95,839.84. A computation in support of the foregoing figure is attached hereto as Exhibit A. Given that Plaintiffs' claim is for a sum certain, entry of default judgment by the Clerk of this Court against Garnishee Defendant Mark Jylha is appropriate pursuant to Fed. R. Civ. Pro. 55(b)(1).

WHEREFORE, Plaintiff prays that this Honorable Court, by and through the Clerk of this Court, enter default judgment against Garnishee Defendant Mark Jylha in the amount of \$95,839.84. A proposed Default Judgment is being submitted concurrently herewith for entry.

ERMAN, TEICHER, ZUCKER & FREEDMAN, P.C.

/s/ Craig E. Zucker  
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